



Select Board Meeting

Monday, May 18, 2020 7:00 PM

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

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TOWN OF ANDOVER, MASS

I. Call to Order – 7:00 P.M.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

III. Communications/Announcements/Liaison Reports

IV. Regular Business of the Board

A. COVID-19 Update – (15 minutes)

Town Manager to provide update on Town's response to COVID-19 including an update on the FY20 and FY21 budgets.

B. Election Warrant – (5 minutes)

Board to consider approving warrant for the June 9, 2020 Annual Town Election.

C. Annual Town Meeting Articles - (40 minutes)

Board to consider voting to take a position on the following articles, which have been revised due to impacts of the COVID-19 emergency:

Article 4	Fiscal Year 2021 Budget (Revised)
Article 5	Fiscal Year 2021 Capital Projects Fund (Revised)
Article 34	Capital Projects from General Fund Borrowing (Revised)
Article 35	Capital Projects from Free Cash (Revised)

D. Annual Town Meeting Warrant – (5 minutes)

Board to consider voting to sign the Annual Town Meeting Warrant for the June 22, 2020 Annual Town Meeting.

V. Approval of Minutes

A. Board to approve minutes from the following meetings:

1. March 14, 2020
2. April 21, 2020
3. May 4, 2020

VI. Adjourn

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Select Board will be conducted via remote participation to the greatest extent possible. For this meeting, members of the public who wish to watch the meeting may do so in the following manner: Andover TV COMCAST CHANNEL 22 AND VERIZON CHANNEL 45. Members of the public who wish

to ask a question on particular agenda items during the meeting can do so by calling 311 from their landline or cell phone within the geographical boundaries of Andover or by calling 978-623-8311 from anywhere or by emailing manager@andoverma.gov. Residents are encouraged to email their questions ahead of the meeting, however, staff will be available to present the Board with questions received during the meeting. Please include your name and address with your question.

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.

**COMMONWEALTH OF MASSACHUSETTS
WARRANT
ANNUAL TOWN ELECTION**

ESSEX, SS.

To Either of the Constables of the Town of Andover

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the Inhabitants of said Town who are qualified to vote in Elections and Town Affairs to vote at:

**Precincts 1 and 3
THE CORMIER YOUTH CENTER
WHITTIER COURT, ANDOVER, MASSACHUSETTS**

**Precincts 4, 5, and 6
WOOD HILL MIDDLE SCHOOL GYMNASIUM
HIGH PLAIN ROAD, ANDOVER, MASSACHUSETTS**

**Precincts 2, 7, 7A, 8, and 9
THE RICHARD J. COLLINS FIELD HOUSE ANDOVER HIGH SCHOOL
SHAWSHEEN ROAD, ANDOVER, MASSACHUSETTS**

on **TUESDAY, THE NINTH DAY OF JUNE, 2020**

at seven o'clock A.M. to act upon the following articles:

ARTICLE 1. To elect a Moderator for one year, one Select Board member for three years, one School Committee member for three years, one member of the Andover Housing Authority for five years, and two Trustees of the Punchard Free School for three years.

All of the above offices are to be voted on one ballot. The polls will be open from seven o'clock A.M. to eight o'clock P.M.

And you are directed to serve this Warrant by posting attested copies and publication thereof, fourteen days, at least, before the time and place of said election as directed by the Bylaws of the Town.

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said voting.

Given under our hands this 18th day of May, 2020.

Laura M. Gregory, Chair

Christian C. Huntress, Selectman

Ann W. Gilbert, Vice Chair

Alex J. Vispoli, Selectman

Daniel Arrigg Koh, Clerk

Selectmen of: Andover, Massachusetts

A true copy

ATTEST

Ronald Bertheim, Constable

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each schoolhouse, and in no less than five other public places where bills and notices are usually posted and by publication in the *EAGLE-TRIBUNE*. Said Warrants have been posted and published fourteen days.

Ronald Bertheim, Constable _____, 2020.

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each schoolhouse, and in no less than five other public places where bills and notices are usually posted and by publication in the *EAGLE-TRIBUNE*. Said Warrants have been posted and published fourteen days.

_____, 2020.
Ronald Bertheim, Constable

WARRANT POSTING PLACES

Precinct One	Youth Center Town Offices Doherty Middle School
Precinct Two	Public Library Post Office (Stevens Street) Shawsheen School
Precinct Three	Town House (Main Street) YMCA (Haverhill Street)
Precinct Four	West Elementary School Greater Lawrence Vocational Technical High School
Precinct Five	High Plain Elementary School Wood Hill Middle School
Precinct Six	Post Office, Ballardvale Sanborn Elementary School
Precinct Seven	South Elementary School
Precinct Eight	Bancroft Elementary School
Precinct Nine	Andover High School West Middle School

Select Board Meeting
Minutes of Saturday, March 14, 2020

I. Call to Order

Chairperson Laura Gregory called the meeting of the Select Board to order at 9:00 A.M. in the 3rd Floor Conference Room located at Town Offices. Present from the Select Board: Alex Vispoli, Dan Koh, Annie Gilbert, Chris Huntress (arrived after the meeting began) and Laura Gregory.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Asst. Town Manager Patrick Lawler, Town Counsel Tom Urbelis, Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

Laura Gregory explained that due to the open meeting law change, Select Board meetings will be setup differently (remotely).

The Town Manager provided an update on the Town's response to COVID-19. His team has been meeting over the last month and meeting daily this past week on building closures and services provided. Public communication issued yesterday, regular updates will be provided going forward. Memorial Hall Library is closed but staff will continue to work from Monday-Friday depending upon the need. Elder Services/Senior Center is closed effective Monday but they will continue with the Meals on Wheels Program, Social Work Program, services for their identified vulnerable population, and continuation of medical transportation. Recreation /Youth Services programming is cancelled for the next two weeks. Town Offices will remain open and fully-staffed, a skeleton crew list will be established in the event if that is needed, and they have fully activated the 311 center. The Governor signed an order relative for public meetings so there will be the possibility of remote situations. The Annual Town Election will go on as planned, spacing at polls will be staged, and poll workers will be working in conjunction with Town Staff who will be trained to work the polls.

Alex Vispoli said the Town is well positioned to handle the crisis due to the hard work of the Town Manager's Team. We should consider moving the Annual Town Meeting further out on the calendar to leave our options open.

Annie Gilbert asked how the decision-making process will be conducted after the 2-week period. The Town Manager said they will constantly evaluate the situation in one week increments. The Emergency Management Team will be meeting daily. They hope to receive further guidance from the State level for municipalities. Andrew will be attending a remote MIAA Board Meeting next week and they will share information and decisions.

Tom Urbelis provided information on the legal aspects of the ordinances issued by the Governor that effect the procedures the Town has to follow. One of the orders prohibits gatherings of 250 or more people in a single space and specifically states that this order does not apply to any municipal legislative body (does not apply to Town Meeting). One of the issues of Town Meeting is that has to be completed by June 30th for the financial articles to take effect. Under state law, the Moderator may continue with Town Meeting due to a public emergency and must consult with the Select Board and Public Safety Officials before doing so and establish a continuation date within 30-days after the Town Moderator makes the decision. The dates for the Annual Town Meeting and Calendar were previously voted on but there is a question on warrant that is scheduled to be signed on March 23rd. If they are able to move Town Meeting, the Board would like to move Town Meeting out as far as possible. The legislature is tentatively set to meet this coming Thursday. Add to the next agenda: information from IT on how the remote meetings are working, how people can participate, and updates on logistics for a remote town meeting and ask Tom Carbone to attend.

Once the Town Election date is set, it can't be changed without a court order or approval by the Legislature or the Governor. Voting by mail could be an option but you can't require it. There is the option of using absentee ballots, but you are not allowed to ask or verify the circumstances for those qualifying for absentee ballots. The State Election Division is seeking special legislation to execute an emergency contingency plan.

The Governor issued an order in regard to the Open Meeting Law (OML) which requires meetings to be held in a place that is publically accessible and comply with all ADA orders. The Governor's order issued changed to accessible by adequate alternative as defined as something that provides transparency, timely access to the meeting going on, and for the public to clearly follow the proceedings of the public body while the meeting is going on (telephone, video, etc.). Public bodies are authorized to allow remote participation by all members of the public body. Allowance for active real time participation by public must provide ability for participation by public, observing and opportunity to participate.

The virus could also effect by concept the constructive approval (various permits) that would be approved if not approved in a sufficient time-frame. The legislature and Governor's Office are working on this time-frame on which to act.

Austin Simko encourages people to vote in off-peak hours, hand sanitizers will be available, office workers will wear gloves, and they are changing the configuration of voting booths to allow more space between. Everyone will get a disposable pencil to use and dispose of.

Laura Gregory said the Town Census has been mailed and it is important for everyone to complete the 2020 Census.

IV. Citizens Petitions and Presentations None

V. **Regular Business of the Board**

A. **Annual Town Meeting Articles**

Presentation by the Town Manager available on the Town's Website

www.andoverma.gov

Board to consider voting to take a position on the following articles:

Article 4	<p>Fiscal Year 2021 Budget in the amount of \$197,925,031 for Town and School Operations including retirement, health insurance and OPEB. Discussion on tax bill projections and rate of growth.</p> <p>Alex said this will raises the tax base forever. Laura said it is important to look at the Town's potential liabilities going forward and balance the interest of current taxpayers. This is an opportunity to address the unfunded liabilities due to events of Columbia Gas. Vote on defining the 1.7% into the pension. The budget # will change if using the 1.7% and applying it to the unfunded pension liability.</p> <p>Annie Gilbert moved to increase the appropriation to the Pension Fund for FY-2021 of 19.28% inclusive of a \$1.7M increase over the required appropriation to the General Fund through taxation. The motion was seconded by Chris Huntress and voted 4-0 to approve. Motion passes 4-1. Alex Vispoli opposed.</p> <p>Dan Koh moved to recommend approval of Article 4 as written. in the Warrant. The motion was seconded by Annie Gilbert and voted 4-1 to recommend approval. Alex Vispoli opposed based on the fact that the property tax increases a full percent more than voted in July.</p>
Article 5 RA	<p>Fiscal Year 2021 Capital Projects Fund (CIP) \$4,311,180</p> <p>Chris Huntress moved to recommend approval of Article 5 as written in the Warrant. The motion was seconded by Dan Koh and voted 5-0 to recommend approval.</p>
Article 6 RA	<p>Pension Obligation Bond Special Legislation- annual debt service to fully fund the pension system. This is Step 1 of a 2-step process:</p> <ol style="list-style-type: none">1. Obtain the tool for the potential of saving the taxpayers \$70M.2. Involves getting approvals: Home Rule, Secretary of Admin & Finance and other officials (DOR) to sign-off, and approval at a future Town Meeting to appropriate funds. <p>Dan Koh moved to recommend approval of Article 6 as written. The motion was seconded by Annie Gilbert and voted 5-0.</p> <p>Alex voting to approve for the article but there has been a reluctance by the different constituencies for reform so he is hopeful this conversation will change with this initial step in this direction.</p>

Article 24 RA	Bald Hill and Tewksbury Street Land Swap The Select Board previously voted to approve (1/13/20), 7.5 acres on Tewksbury St. being exchanged with land on Bald Hill. Mike Lindstrom updated the Board on the land swap. Alex Vispoli moved to recommend approval of Article 24 as written. The motion was seconded by Annie Gilbert and voted 5-0 to recommend approval.
Article 34 RA	Capital Projects from General Fund Borrowing Total of \$4,080,000 Police 2, FR-1, Fr-4, DPW-7b, DPW-8, FAC-6, FAC-7 and SCH-5. Annie Gilbert moved to recommend of Article 34 as printed. The motion was seconded by Chris Huntress and voted 5-0 to recommend approval.
Article 35 RA	Capital Projects from Free Cash of \$3.5M for 6 projects: Town Offices Improvements, Sidewalk Program, Conservation & Open Space Improvements, HPE/WHMS Turf Field Complex, Tree fund, Merrimack River Access. Annie Gilbert moved to recommend approval of Article 35 as written. The motion was seconded by Dan Koh and voted 5-0 to recommend approval.
Article 39 RA	Community Choice Aggregation -Requesting to explore the program (CCA program regulated by the state) on competing electrical service. Dan Koh moved to recommend approval of Article 39 as written. Motion seconded by Alex Vispoli and voted 5-0 to recommend approval.

VI. Executive Session - Cancelled

VII. Adjourn

At 11:50 A.M. Dan Koh moved to adjourn the Select Board Meeting of Saturday, March 14, 2020. The motion was seconded by Annie Gilbert and voted 5-0 to adjourn.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

SELECT BOARD
Minutes of Virtual Meeting
April 21, 2020

I. Call to Order

Chairperson Laura Gregory called the meeting of the Select Board to order at 7:00 P.M. via Web-X. Participating remotely from the Select Board: Alex Vispoli, Annie Gilbert, Dan Koh, Chris Huntress and Laura Gregory.

Others participating remotely: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, a Town Counsel Tom Urbelis, Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

Tonight's meeting is completely virtual. Residents can call in at 311 or 978-623-8311 or email manager@andoverma.gov

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence remembering Bob Mauceri, Selectman from North Reading, followed by a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

Mike Lundstrum, who sits on the Steering Committee the Merrimack River Distribution Commission, spoke about the valuable work they have been doing over the past six weeks and conducting a series of workshops with strategic partners. The Commission is in charge of developing regional priorities that will align with neighboring communities and to develop strategies for funding to communicate with the public.

Alex Vispoli thanked the Town Manager and his team for their services during this time, specifically those of Patrick Lawlor. The Easter Bunny Hop parade, held last Saturday by the Fire Department, Police Department and others, made for an uplifting afternoon.

Annie Gilbert received an email from Jane Gifun, Castle Heights Road, who would like to thank the DPW for opening the Bald Hill Facility as scheduled and to thank the Water Department and DPW for their quick response to the broken main water valve leading to their house.

Laura Gregory agreed that the Bunny Hop Parade was a positive event during this difficult time. Thanks to Andrew and his Team for addressing and resolving the social distancing problems with the teenagers.

Tom Urbelis reported on a flurry of executive orders issued by the Governor, and various legislature passed by the legislature as a result, especially the bill passed yesterday on the Massachusetts Eviction and Foreclosure Moratorium Act establishing a temporary and moratorium on foreclosures. The moratorium prohibits eviction of tenants due to failure to pay rent or other causes that are non-emergency causes. The Moratorium also prohibits imposing late fees on tenants if tenants provide notice t to

their landlord. The Act also puts a moratorium as it applies to non-essential eviction to residential and small business units and also applies to lenders and borrowers of residential property. The Act does not apply to borrowers and lenders of commercial properties.

IV. Public Hearings

A. Den Rock Wine & Spirits of Andover All Alcohol Liquor License

Annie Gilbert recused herself from the meeting at this time.

Tom Urbelis described the standard on the request for the Select Board to approve an All Alcoholic License for a package store. There are certain standards the Board should follow as described by law under MGL, Chapter 138, Section 3. The Board's discretion is engaged if the license would provide a need to protect the common good. Tests include an assessment of the public want, an appreciation of a liquor license at a particular location including the number of existing alcoholic dispensaries in Town, the views of inhabitants in favor of or against, traffic considerations, noise, the sort of operation applying for the license, the type of license being applied for, if the public convenience would be served, and the reputation of the applicant.

Austin Simko reported that the Town has a quota of seven (7) All Alcohol Liquor Licenses with five (5) in operation. They have received two letters of opposition to the request for such license by Den Rock Wine & Spirits. This request has gone through the normal procedures. They have approval from all relevant departments including the Police Department who have done their customary review and signed off on the application.

Attorney Robert Lavoie of Johnson & Borenstein, Andover, MA and counsel for Den Rock Wine and Spirits and the proposed Manager Mr. Jain. Also present is Den Rock Wine & Spirit's Corporate Attorney Matthew Porter who prepared the application. They have submitted this application because over 40% percent of their customer base is from Andover and provided information attesting to this request.

Questions from the Board:

How many current licenses there are in the Andover Center area? *There are six other current licenses located in that area. The location is not essentially across the street from the proprietor of Shawsheen Liquors opposing the request.*

Have we had this experience before, and did a liquor store have to close because of this? *No, we have not encountered this experience before nor did a liquor store close because of this.*

Has there been any problems with their location in North Andover and is everything in order? *None that Austin is aware of, they did their customary background check and found no problems.*

Has this request gone through Planning/Building Department for parking? *Zoning has reviewed and approved the request.*

The location is a high traffic area and Dan Koh is not concerned that this should be a factor nor is he overly concerned about the opposition letters.

The Town Manager shared that a number of people have called/emailed on this agenda item. Three people, Ed Anson, Cindy Richard, and Sandy DiSalvo are opposed to the request by this applicant and why there is a need for another liquor store in this vicinity. *Attorney Lavoie replied that 40% of their business in the North Andover location is from Andover residents, this area is a good location for customers to have to shop with more than one venue and plenty of parking.*

Andover has 7 licenses with 2 remaining, approving this request would leave one license would we be able to acquire more? *Austin Simko said there is flexibility in adding more licenses in certain circumstances, depending upon the type of license and quotas.* Attorney Porter: *The ABC bases its licenses off of population numbers. There are also mechanisms that the Town can petition the State for additional licenses.*

David Boviar, 1167 Elysian Place in California and owner of 2 Poor Street asked if the applicant talked to the existing owner at 2 Poor Street? *No, they have not contacted them.*

Linn Anderson, 92 Abbott Street. Will the establishment sell lottery tickets and what is the process for getting that approval? *They are not planning on to sell lottery tickets at this time, but might add later. Lottery application is similar to a State License Application.*

Laura Gregory does not feel it would be the place of the Select Board to determine the liability as a business for this store who has completed the process and does not feel this is a part of their decision-making process. She is pleased that the Zoning Board approved the request and that there is parking available at the location. This request is within the parameter of our liquor license regulations, and if licenses are based on population, she would anticipate we may have a different number once we have the census results which may result in another license.

Dan Koh moved to approve the application of Den Rock Wine & Spirits of Andover, LLC, d/b/a Den Rock Wine & Spirits for an All Alcoholic Package Store Alcoholic Beverage License at 349 North Main Street, Andover, MA and for the appointment of Naveed Jain of 54 Bolyston Road, Lowell, MA as designated manager, subject to the condition that all requirements of the Town are met prior to issuance. The motion was seconded by Chris Huntress. Roll call: D. Koh-Y, A. Vispoli-Y, C. Huntress-Y, and L. Gregory-Y. Motion passes 4-0.

V. Regular Business of the Board

Annie Gilbert rejoined the meeting and Laura Gregory recused herself turning over the gavel to Annie.

A. COVID-19 Update & Town Election and Town Meeting Schedule

The Town Manager thanked the residents for their diligence and patience, and understands the hardship caused by the closing of the playgrounds on April 8th. The decision has been made to reduce the number of daily updates but will continue to update the number of cases in real-time on the Town's website. As of today, there are 75 cases with 25 active cases. Meals on Wheels daily deliveries have been increased to 130 meals per day. Elder Services will continue to provide social work activities for our elders in need. Beginning this week, they are starting a program to reach out to all

seniors 80 years of age and older. Gemma Lambert, Elder Services Staff, and other town employees will reach out by telephone all 1,200 elderly residents.

They are seeing a lot of mental health and substance abuse cases in Town, more than we normally would. Siobhan Namvar is finding placements and interim services for those in need. Thank you to Proctor & Gamble who donated 275 gallons of sanitizer to the Town that has been deployed to first responders and other departments. The Governor announced today that public school buildings will be closed for the end of the year.

Budget Update:

We are in the 4th quarter of this fiscal year and paying close attention to revenues watching consumer goods and service goods in Andover. They are most concerned with the local option taxes, (meals/lodging) and the motor vehicle excise taxes. A number of steps the Town Manager has taken in anticipation of a revenue shortfall (10-15%) includes the implementation of a spending freeze as of April 1st for non-essential spending, conducting a review of all appointments/positions for the remainder of this fiscal year, shutting down the heating and HVAC systems at all of the school buildings. Andover has a strong fund balance and he expects we will get through the end of the year without any service reductions or any tax implications relative to COVID-19.

FY-21 Budget: They are in the process of making significant modifications in anticipation of presenting a much different spending plan based on the effects of a reduction of revenue from local options due to the COVID-19 closures. The most concerning piece is what we will end up receiving in State Aid. If our budget ends up being level-funded we could see a shortfall of \$3M to as high as \$5M, again depending upon State Aid. The modifications and reductions will be balanced across Personnel expenses, the CIP, and the amount we were going to appropriate above the required funding for unfunded liabilities, everything is on the table at this point.

Questions received:

Linn Anderson, 93 Abbott Street. Does the spending freeze apply to the schools?
The School superintendent has already implemented a spending freeze.

Bob Pokkress, Cherry Blossom Circle, what steps are being taken to cut back on spending right now and that there will not be a residential tax increase. *Modifications in spending have/are being made to reflect the changes in the economy and revenue, the Town Manager does not expect there will not be a residential tax increase.*

Alex Vispoli asked what is his discretion on the maximum of a spending freeze. *The Town Manager expects the maximum will be between \$1M to \$1.4M.*

How much could be built into savings into the budget based on worst-case scenario?
The Town Manager expects to see at least a \$3M shortfall and is planning a scenario which cuts from the State exceed those of 2008. They are doing best case, worst case, and what is a likely scenario.

Chris Huntress: Have you taken into account utility savings from building closings?
Yes.

Will these issues have any impact on public construction projects: *Ballardvale fire station is moving forward without interruption, the Senior Center did have to slow down for two weeks due to personnel implications from COVID 19 but is now back up and running.*

Have we seen an increase in any cases in COVID-19 for safety employee? *Tom Carbone said we cannot speak to that.*

Town Election/Town Meeting Schedule: Laura Gregory left the meeting at this time and Annie Gilbert took over as Chair.

The Town Manager does not know yet what the Governor will do with relative to the date on May 4th. Town Meeting and Elections will be based upon the restrictions by the State.

The Town Manager we got a court order to delay the election, pursuant to that court order, the Board has to hold an election by June 30th. Town Meeting can be held after the conclusion of the fiscal year with provisions on how to proceed with a month-to-month budget if we needed to. Andrew offered two dates for the Select Board to consider for Town Election and Town Meeting: He is proposing Tuesday, June 9th for the Town Election and to begin Town Meeting the week of June 22nd and has spoken with the Town Moderator about the date for Town Meeting.

Town Moderator Sheila Doherty: The Mass. Moderators Association is approaching the state health officials on determine what needs to be considered for a Town Meeting to be held using the COVID 19 restrictions. If we are having a late June meeting, consider going back to the Field House at AHS rather than the Collins Center Auditorium to enable seating to be more spread out. Many towns are looking at having one meeting for the budget and warrant articles with a fall town meeting to continue the meeting assuring private warrant articles to be addressed. We would be in a position to not asking residents to choose between their health and an article they are interested in. The other consideration is to have the Town Meeting in two nights.

Does any part of the Governor's order speak to allowing remote participation? *Sheila Doherty responded that currently, that is illegal. There would have to be legislation to allow for a remote meeting. Tom Urbelis said there have been various orders and bills filed but he is not aware of any bill for allowing remote Town Meetings.*

When we made the decision to postpone the Town Election, the greatest concern was the safety of the poll workers, does the Town Clerk have any input for a June 9th election for keeping poll workers safe. *Austin said they have been accumulating a number of ideas on keeping poll workers safe.*

Discussion/Questions by Board

Alex Vispoli agrees with the Town Moderator that if were to have Town Meeting the Field House is the most logical venue.

If the Governor extends the guidelines for the number of people who can congregate in one place where does that leave us. *Tom Urbelis responded that under the current state of the law, the election date is beyond the Governor's purview. We could have the meeting on June 22nd*

and under the recent legislation is can be extended beyond June 30. If it is not appropriate to hold Town Meeting on that date, the Moderator can extend the date. The Town Election and Town Meeting need to be within 35 days of each other.

Sheila Doherty recommends setting a date so we have a goal.

Chris Huntress is in full support of using the field house and suggested using the hockey rink at Merrimack College. Sheila thinks attendance would be 500-700 and the hockey rink may be too large. We could use the cafeteria at AHS as an overflow. Dan Koh asked about mailing ballots for the Town Election. Austin reported that we cannot mail ballots to residents, they need to request a ballot (state law). Dan encourages the team to think about social distancing within a large venue (field house), worried about people walking into the venue and a large group of individuals if COVID-19 is still a big concern.

The Town Manager said they will move forward with the dates of June 9, 2020 for Town Election and June 22, 2020 for Town Meeting. They will communicate the dates using all of the social media outlets, regular mail, telephones, physical signage, newspapers, and using code red alert. The Finance Committee will be sending the Town Meeting Book.

Does the June 9th dates for the election, could we have early voting? Austin said they are encouraging voting via an absentee ballot.

B. Annual Town Meeting Articles

Laura Gregory returned to the meeting resuming her position as Chair.

Board to consider voting to take a position on the following article:

Article 40	Acquisition of 157 Andover Street
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This will be the last article (other than budget transfer article and private articles) that the Town Manager will be asking the Board to vote on. This property is adjacent to the former site of 161 Andover St. the Town acquired for the new Ballardvale Fire Station. The Board voted in executive session to authorize the Town Manager to purchase the property for up to \$500,000. The Town Manager said they submitted an offer of \$415,000 which was accepted. This article will allow for the purchase of the house and to make the site usable for a future purpose, demolition of the building, and preparation of the site. The appropriation of \$565,000 includes the purchase price of \$415,000 and \$150,000 to proceed with demolition and any other action thereto.

Chris Huntress moved to recommend approval of Article 40 for acquisition of the property at 157 Andover Street. Alex Vispoli seconded the motion.

Roll call: D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, A. Gilbert-Y, L. Gregory-Y.

Motion to recommend approval passes 5-0.

C. Open Space Task Force

Laura Gregory thanked Andrew, Susan Stott and Don Cooper for working on this task force that will benefit the Town. Andrew has been working with Susan and Don on

bringing back the task force and formalizing the charge to pick up and identify parcels that might come available and to advise the Board and Town Manager of parcels and provide a recommendation. Andrew read the overview of the charge for the Open Space Task Force. The task force will consist of a liaison of the Select Board, and a member from the Conservation, AVIS, Finance Committee, a staff member designated by the Town Manager and three residents at large.

Annie Gilbert moved for the Select Board to endorse the Open Space Task Force as presented. Chris Huntress seconded the motion. Roll call: A. Gilbert-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y. Motion passes 5-0.

D. Property Tax Deadline Extension

Special Legislation signed into law by the Governor affirmed that the Chief Executive could extend the property tax bills and the period to waive interest; therefore, the Select Board must vote to formally approve.

Alex Vispoli moved to extend the deadline for the property tax bills to June 1, 2020. Dan Koh seconded the motion. Roll call: A. Gilbert-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y. Motion passes 5-0.

VI. Approval of Minutes

A. Board to approve minutes from the following meetings:

Annie Gilbert moved to approve the minutes of March 23, 2020 and April 6, 2020 (with revisions). The motion was seconded by Chris Huntress.

Roll call: A. Gilbert-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y. Motion passes 5-0.

VII. Adjourn

At 9:09 P.M. on a motion by and seconded by the Board moved to adjourn. Gilbert-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y. Motion passes 5-0.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

SELECT BOARD
Minutes of Virtual Meeting
May 4, 2020

I. Call to Order

Chairperson Laura Gregory called the meeting of the Select Board to order at 7:03 P.M. via Web-X. Participating remotely from the Select Board: Alex Vispoli, Annie Gilbert, Dan Koh, Chris Huntress and Laura Gregory.

Others participating remotely: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Town Counsel Tom Urbelis, and Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

Tonight's meeting is completely virtual. Residents can call in at 311 or 978-623-8311 or email manager@andoverma.gov

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

Austin Simko encouraged residents who want to vote by absentee ballot to go to the Clerk's website and download the ballot. The deadline to register will be ten days before the date of the election, June 9th as of today. Anyone is eligible for voting via absentee ballot.

Chris Huntress acknowledged members of the town departments who are finding ways to creatively communicate with residents.

Laura Gregory said Mike Lundstrum reported to the Board that the Town has been awarded a grant of \$30,000 from the DCR Urban and Community Forestry Challenge Grant for Andover's Tree Inventory and Management Plan, which will hopefully help to address power outages in the future and environmental and beautification of the Town.

IV. Regular Business of the Board

A. COVID-19 Update

The Governor has extended the stay-at-home advisory through May 18th and we are planning to go ahead with the Town Election on June 9th and Town Meeting starting on June 22; there are a lot of logistics to workout beforehand. Andrew may ask the Board to consider holding a date to meet next week, in case we are able to proceed with the June 9th Town Election.

Tom Carbone, thanked the hard work that Sherri Moynihan, Public Health Nurse and retired health nurse Jane Morrissey and Lisa Slattery, a school nurse. Thank you to the IT Department for helping with their technology problems. As of today, there are 211 cases of COVID-19 with 101 active cases; 44% of those cases are associated with senior

care facilities. Anyone who has tested positive, will be getting a call from the Community Tracing Collaborate and one of the Town nurses. If anyone thinks they are positive for COVID-19, the quickest way to get information is to get in touch with their doctor. Laura thanked Tom and all of the members of his department who are working on this situation.

Tom Urbelis reported on the Governor's declaration stating that effective Wednesday, May 6th anyone over the age of 2 who is in a place open to the public in or outdoors must maintain a distance of six feet from another person and must cover their mouth and nose with a mask or cloth, unless a person cannot wear a mask due to a medical situation. This declaration applies to all workers and customers of businesses open to the public considered essential. All persons are required to wear masks at all times inside of any retail stores, or if using any means of mass public transit. If a customer refuses to wear a mask or covering, a business may decline entry to that person. The Andover Board of Health is authorized to enforce this order and may use the assistance of the Andover Police Department.

FY-20 End of Year and FY-21 Budget Planning

The Town Manager provided an update on how they are proceeding with closing out FY-20. Revenue collections are expected to be significantly less in the 4th quarter of the fiscal year and expenses increased due to COVID-19. Planning for FY-21 budget which was voted by the Select Board, Finance Committee and School Committee, but a lot of the assumptions for that budget are no longer in effect due to the result of COVID-19. They are building a new spending plan for next year. The Town Manager's presentation included a slide presentation which is available on the Town's website.

Andrew expects the revenue projections to be reduced for the first quarter of FY-21. They are tracking all of the expenses from COVID-19 as they did during the Columbia Gas disaster. An overview of some of the greatest cost drivers included: expenses incurred from Fire and Police overtime to cover anywhere between 10-15 police/firefighters quarantined due to exposure or not having the appropriate materials for protection, and having to backfill those vacancies. Both Police and Fire have an adequate supply of PPE and guidelines are in place by both Chief's. Calls for assistance have increased.

Solid Waste Disposal: After the first two weeks of closure, waste pickup increased by 30% or about \$24,000 per month, the volume has normalized since the first of May.

Facilities Department: Purchased sanitation supplies and equipment to internally sanitize school buildings without having to go to an outside vendor, which saved a lot of money.

Community Services: Elder Services and Public Safety have been on the frontlines. The number of Meals on Wheels increased from 75 to 130. The increased expense offset by a \$30,000 donation from the Home for Aged People. Thank you to Tom Urbelis who is on their Board.

Fee for Service Basis Departments: All programming for spring (i.e. recreation department) are cancelled and they are awaiting on word from the state about the summer programming. If we are unable to proceed with summer programs, it will be a significant problem; they are watching the revenue for revolving accounts closely.

Local Receipts: They expect local receipts from meals and lodging to be impacted this fiscal year. Restaurants are closed for dine-in services and the hotels are, in large part, vacant with the exception of some arrangements for people displaced or quarantined. License and permit revenue will see a significant shortfall. Motor Vehicle Excise Taxes could show a lag in revenue as people are less likely to be buying new vehicles.

Investment income: This year, Andrew does not expect State Aid to be reduced via 9-C cuts for this year, but he is concerned with 9C cuts occurring next year by the Governor.

They have implemented a town-wide spending freeze and reviewing the process for filling any vacancies open as of April 1, 2020. All non-essential spending is suspended and reviewing any vacancies to determine if they can wait for a clearer picture for FY-21. Andrew does not expect any layoffs or furloughs between now and June 30th.

The Town Manager expects we will end the fiscal year with a positive fund balance. Outside of this fund, the General Fund will be cover the expenses from the Town's response to COVID that will have to be rectified with free cash or any aid from the State for now.

State Aid: They are expecting a \$3.2-\$6.2M shortfall in State Aid with the biggest variable being what we receive for State Aid as it is unclear what the state will do.

They are planning on level funding the budget with a 10% reduction in State Aid and a 20% reduction in State Aid which is essentially a worst-case scenario. Local Receipts will see a significant shortfall based on what we had projected and revenue from new growth may be impacted. It has become quite clear that a decision on State Aid is dependent upon the Federal assistance. Andrew expects we will have more clarity closer to July 1, 2020.

Goal: The modified budget plan will include the excess levy capacity. Andrew shared three scenarios of what the budget would look like; the only difference in each scenario is the potential amount of State Aid.

Scenario A: Level funded State Aid.

\$3.7M shortfall reducing new growth projection by 25%. Includes a 20% reduction in Motor Vehicle Excise Tax and a 25% reduction in local option taxes, 25% reduction in license/permits and a 30% reduction in investment income.

Scenario B: 10% reduction in State Aid.

Scenario C: 20 % a reduction in State Aid.

Overview

Additional appropriation to the Pension Fund in the amount of \$1.7M or less.

Overlay Surplus: Slightly reduce the funds in overlay surplus.

General Liability Insurance will see savings between \$50-\$100,000.

Restructuring Article 5 All Capital Improvement Projects to be funded from cash

1. Essential and critical capital will be funded but from a different source.
2. Conditional authorization to be approved with the condition that funds cannot be spent until April 1, 2021, when we know if there will be 9C cuts in addition to the reduction in State Aid.
3. Delayed capital to subsequent fiscal years.

Andrew convened a budget planning working group of senior managers who have been working through a process of identifying, evaluating, and prioritizing items with the goal to maintain service and staffing levels. This extends to the School Department as well.

In summary, the modified plan in place assumes the worst-case scenario, and the plan as designed will be more granular with regards to numbers as we get further along.

Andrew took a deep dive into what happened in the subsequent years of 2009 and 2010 and developed a budget that could withstand a similar impact.

They will preserve Free Cash as planned (\$6M), maintain additional appropriation to the pension fund but at a lesser amount, not \$1.7M at this time. The modified plan will not impact our major capital projects, and will not impact our major projects in the works (Ballardvale Fire Station/Senior Center Renovation) and the water projects, road work, and downtown infrastructure work will continue as planned. This situation has required us to take a deep dive which we feel will allow us to weather the storm.

Alex Vispoli: He did not see the actual tax rate that we have been using as a metric, what is the impact of the tax rate we voted. Andrew said that based on the plan he just reviewed, there will be no change to the projected tax rate. Alex spoke about the increase of valuations due to the work done by Columbia Gas. Andrew replied that they could shift the tax and will have to take a hard look at that well prior to setting the tax rate.

Chris Huntress: Asked for clarification on the option to reduce additional appropriation to the pension fund that the Town Manager hoped not to have to do. Chris asked that we all keep an eye on that which will be effected by the market and make the problem worse than what it already is.

Dan Koh: Is there anything with the administration of Town services reduced with people not being out and about town. Andrew said they are seeing very real savings with the schools, library and public buildings being closed. Parks and grounds continue to be maintained. An area of concern is what the Town/School obligations are for contracts.

Annie Gilbert: It is still unknown as to how schools will re-open in the fall, from a budget planning standpoint for FY-21, is there a way to factor in any of those contingencies. Andrew said they are putting together a Re-opening Task Force for schools and town facilities. Mike Lindstrom will be the Co-chair for the Town. Those contingencies are things they are working through but are not sure what the costs are associated with it.

Laura Gregory: What sort of timeline are you anticipating? Andrew would like to present a plan to the Board on May 18th and include some of the flex spending scenarios on State Aid, and to have a series of virtual Town Hall Meetings as part of normal Town Meeting preparation. The Finance Committee is meeting every Wednesday in May.

The Select Board thanked the Town Manager and his Team for all of their efforts.

V. Consent Agenda

A. Appointments by the Town Manager

Chris Huntress Moved to approve that the following appointments by the Town Manager as printed in the Consent Agenda. Dan Koh seconded the motion. Roll call: A. Gilbert-Y, A. Vispoli-Y, C. Huntress-Y, D. Koh-Y, L. Gregory-Y. Motion passes 5-0.

Department	Name	Position	Rate/Term
Police Department	Wayne Nader	Inspector of Animals	Term Expires 4/30/2021

VI. 2020 Board of Selectmen Meetings

A. Annie Gilbert moved that the Board accept the meeting dates as presented: May 18, 2020, June 1, 2020, June 15, 2020, July 13, 2020, August 3, 2020, and August 17, 2020.

The motion was seconded by C. Huntress. Roll call: D. Koh-Y, C. Huntress-Y, A. Gilbert-Y, A. Vispoli-Y, and L. Gregory-Y. Motion passes 5-0.

VII. Adjourn

At 7:54 P.M. Dan Koh moved to adjourn from the Select Board Meeting of May 4, 2020. The motion was seconded by Alex Vispoli. Roll call: C. Huntress-Y, A. Gilbert-Y, A. Vispoli-Y, D. Koh-Y, L. Gregory-Y. Motion passes 5-0.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

THE BALLARDVALE GAZETTE

NEWSLETTER OF THE BALLARDVALE HISTORIC DISTRICT COMMISSION
Vol. 17, No. 1 BallardVale, Massachusetts Spring /Summer 2020

Light Up Andover

The Town of Andover has launched the Light Up Andover initiative to encourage residents to display lights in support of all those on the front lines of pandemic response. Bill Ferris of Ballardvale-based Ferris Landscaping and Christmas Décor of Andover, pitched in by decorating trees in front of the library and on BallardVale Green with red, white, and blue lights.



#HopeTree.

Ferris also launched a Hope Tree of Andover GoFundMe campaign to support local restaurants while providing meals to teams at area hospitals. Part of the nationwide Hope Tree movement to raise funds for first responders, the spirited display of lights on BallardVale Green expresses community solidarity in the face of the pandemic. To join in, dig out those holiday lights and donate to Hope Tree of Andover MA.

Feedback? Subscribe by email?

Contact the editors:

Karen English / kfeenglish@gmail.com

Joe Halpern / joehalp@gmail.com

Fire Station Update

Groundbreaking for the new Ballardvale Fire Station, originally scheduled for March 13, will be held once it is safe to gather in groups. Meanwhile, construction is underway in the lot behind the current building (which will be torn down when the new structure is completed).

Editors' note: The 2019 editions of the BallardVale Gazette celebrated the 125th anniversary of AVIS. This year we're taking a look at some Ballardvale wildlife. We invite you to contribute a piece about your favorite local fauna. White squirrels, anyone?

Coyotes in the Vale

Andover native Bob Dalton Jr. believes there are no critters inhabiting our woods more misunderstood or, for that matter, more underappreciated than coyotes. "Because they are so elusive and we hear stories about them going after cats and small dogs, many people think of coyotes as something we would be better off without," says Dalton, a lieutenant with the Ballardvale Fire Department. "Truth is we should be thankful we have coyotes here. They are a friend of the forest and are helping to maintain our ecosystem," says Dalton.

An avid outdoors enthusiast who has observed Ballardvale wildlife for over four decades, Dalton has a lifelong fascination with coyotes. "They are pretty impressive animals. As you can tell I'm a huge fan," he says. If you have questions, he has answers.

How many coyotes are there in Ballardvale?

Because the packs move around often, it's impossible to say. Coyotes live in packs of

three to five, with each pack claiming a territory of between five and 25 miles. Also, their dens are usually hidden extremely well in hollow logs and behind bushes.

What do coyotes eat?

Practically anything, including fruit and plants, but they also hunt mice, rabbits, and even sick or wounded deer. A sure sign you are near a den is a small pile of animal bones. Coyotes are most active during the evening, but will also hunt during the day.



Coyotes in Pole Hill (courtesy of Scott Rogers)

How big do they get?

Coyotes in these parts usually weigh between 30 and 70 pounds each, and their bloodlines include part wolf and part dog. Like wolves, coyotes have just one litter a year, usually in the spring (typically May around here).

Why do coyotes howl?

Coyotes howl to let the rest of the pack know where they are and to regroup. Coyotes will bark like dogs when they feel threatened.

What should I do if I cross paths with a coyote?

They are more scared of us than we are of them, so make a lot of noise. Unless they are rabid, coyotes will almost always back down to humans. Coyotes will instinctively keep a close eye on anyone who gets near one of their dens and will likely follow you until you clear the area. Remember that this is their home too, and we need to respect coyotes. That said, always leash your pets when walking outside and keep cats indoors.

— Joe Halpern

The Owls of Pole Hill

I usually walk the trails of Pole Hill early in the morning and then just before sunset. The sunrises and sunsets from the top of Pole Hill are absolutely beautiful, I am also lucky during these walks to spot a lot of wildlife, including deer, fisher cats, coyote, beavers, ducks, swans, herons, muskrats, raccoons, kingfishers, and pileated woodpeckers. But owls are my favorite. My amateur observations are just that — I am not a biologist or a world class photographer, I just walk in the woods every day and keep my eyes and ears open.



A young barred owl

This year I was lucky to spot a great horned owl (GHO) and a mating pair of barred owls (I call them BOOBs, the Barred Owls of Ballardvale!), The GHO sightings have been spotty and I have not found any indication of a mating pair this spring. In 2018 I watched a pair of GHO raise their two owlets. I was able to see the owlets in all their fuzz. Every day I went in search of them and watched as they fledged out. I found evidence of what they ate at the bottom of the trees — mainly mice and voles, with the occasional squirrel. I watched them from March to May, after which I did not see the owlets. The GHO sightings have been few and far between, I wonder where they relocated, or maybe I

just haven't been lucky enough to spot them. As of this writing, I have not located the barred owl nest, and so no owlets. But I will continue to look.



Great horned owl

All my sightings of owls and wildlife have been from the marked trails. There is no reason to go off trails. I have usually seen the two barred owls on the white trail.

Beginning at the Tewksbury Street entrance, you'll find this trail on the left as you pass the last houses on Pole Hill. For the last two weeks in March and the first week in April, I have seen only one of the barred, which leads me to think the other is on the nest. Also during this time, when I have seen the one owl, I have heard them talking to each other in the "hoot, hoot" of owl language, furthering my belief that the other is on the nest! Fingers crossed for a successful hatch and fledging of baby owls.

I have noticed a few different things about the GHO and barred owls. The GHO I have always seen high in the pine trees, close to the trunk. The barred owls like to perch on tree limbs, away from the trunk, and much lower, usually at eye level or not much higher. The darker colors of the GHO blend in with the dark pine, while the lighter barred blends in with the lighter grayish trees. With this color shading the animals

blend into their environment so as not to be prey themselves and to surprise their own prey by going unnoticed. I always follow a tree from the bottom up, and tree limbs out, and have been pretty successful finding owls this way. Another way I have been able to spot owls is to listen: not for their hoots, but to other birds. Many birds will start a cacophony of noise to alert others of the owl's presence. The chickadees, nuthatches, blue jays, and crows are good at sounding the alarm. When that happens, look around and you may see the owl, which usually doesn't stay long.



Pole Hill barred owl

I hope when you take a walk in Pole Hill, you will do so quietly, so as not to scare off the wildlife. Look and listen for the signs that are all around. You may get lucky and see the Barred Owls of Ballardvale or the GHO. Enjoy the outdoors!

— Teresa Padvaikas

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BallardVale Historic District Commission

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36 Bartlet Street
Andover, MA 01810

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CALENDAR

As of this writing (29 April 2020), community events and BallardVale Historic District Commission meetings are suspended until further notice. BDHDC meeting dates and agendas are posted at andoverma.gov. For questions about the commission, contact Diane Derby, derby01@comcast.net.